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POL 14 VIET S (1551)

Department of State **TELEGRAM**

XR POL 15-3 VIET S

LIMITED OFFICIAL USE 748

PAGE 01 SAIGON 13453 210923Z

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ACTION EA-14

INFO OCT-01 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00
INRE-00 CCO-00 PM-06 H-02 INR-06 L-03 NSC-10 P-03
RSC-01 PRS-01 SS-14 UPW-01 RSR-01 /063 W
115152

O R 210840Z AUG 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC IMMEDIATE 8986
INFO AMEMBASSY BANGKOK
CINCPAC
AMCONSUL DANANG
USDEL FRANCE
AMEMBASRY PHNOM PENH
AMEMBASSY VIENTIANE

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [signature] DATE 1/26/82
RDS☐or XDS☐EXT. DATE _____
TS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☑
RELEASE DENIED☐
PA or FOI EXEMPTIONS _____

SAIGON 13453 8/21/71

LIMITED OFFICIAL USE SAIGON 13453

CINCPAC FOR POLAD

SUBJ: SUPREME COURT SAYS KY CAN RUN

REF: SAIGON 13413

1. SUMMARY: SUPREME COURT ON AUGUST 21 ISSUED RULING THAT THE PRESIDENTIAL ELECTION SLATE OF VICE PRESIDENT KY IS VALID. AT THE SAME TIME, THE COURT ACCEPTED WITHDRAWAL OF GENERAL MINH'S SLATE, LISTING JUST THE THIEU-HUONG-KHIEM SLATE AND THE KY-LE SLATE IN SECOND POSTING OF CINDIDATES. END SUMMARY.

2. SUPREME COURT AT 1300, AUGUST 21 ANNOUNCED DECISONS ON THE THREE PRESIDENTIAL ELECTION CASES MENTIONED REFTEL. THE COURT REJECTED PETITION OF LAWYER PHAM KIM VINH, RULING THAT ARTICLE 14 OF THE ELECTION LAW IS UNCONSTITUTIONAL, AND ALSO REJECTED CANDIDACY OF MR. NGUYEN TRAN FOR LACK OF ENDORSEMENTS. HOWEVER, THE COURT ACCEPTED THE PETITION OF SAIGON CITY COUNCILOR DUONG VAN LONG, DECLARING THAT SINCE PRESIDENT THIEU HAD THE

(2)

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REQUIRED ENDORSEMENTS FROM THE NATIONAL ASSEMBLY HE NEED NOT HAVE SECURED THE 452 ADDITIONAL ENDORSEMENTS FROM PROVINCIAL COUNCILORS. TO OBTAIN ENDORSEMENTS FROM BOTH GROUPS, THE COURT HELD, WAS CONTRARY T THE INTENT OF THE LEGISLATION.

3. ACCEPTANCE OF LONG'S PETITION OPENED WAY TO COURT'S VALIDATION OF VICE PRESIDENT KY'S CANDIDACY. THE COURT REASONED

THAT THE 452 ENDORSEMENTS WHICH ITS ACTION FREED GROM COMMITMENT TO THIEU WERE AVAILABLE TO KY. THE COURT ALSO NOTED THAT 39 PROVINCIAL COUNCILORS HAD TRANSFERRED THEIR COMMITMENT FROM THIEU TO KY. THESE 39 ENDORSEMENTS THUS WERE VALID FOR KY DESPITE THEIR NON-AUTHENTICATION, BECAUSE THE PRONVINCE CHIEFS HAD

FAILED TO AUTHENTICATE THEM SOLELY "BECAUSE OF CIRCUMSTANCES

BEYOND THEIR CONTROL."

4. THE COURT ALSO ACCEPTED THE WITHDRAWAL REQUESTED BY GENERAL MINH. THE SECOND POSTING OF CANDIDATES WAS THEN EFFECTED INCLUDING THE THIEU-HUONG-KHIEM SLATE AND THE KY-LE SLATE.

5. COMMENT: THE ISSUANCE OF THE SECON POSTING AT THIS

TIME (INSTEAD OF WAITING UNTIL THE AUG 24 DEADLINE) HAS THE EFFECT OF (A) RELIEVING THE IMMEDIATE IMPASSE IN THE PRESIDENTIAL CRISIS CREATED BY MINH'S WITHDRAWAL BY VALIDATING ANOTHER OPPONENT TO THIEU AND (B) DETERRING KY FROM WITHDRAWING IN THE INTERIM (I.E. KY IS NOW IRREVOCABLY ON THE BALLOT, ALTHOUGH HE COULD SUBSEQUENTLY DECLARE HIMSELF OUT OF THE RACE.)

6. KY HAS SCHEDULED A PRESS CONFERENCE FOR 0900 SUNDAY AUGUST 22.
BUNKER